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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, et al. individually and
on behalf of all other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**STIPULATION AND ORDER
REGARDING TOLLING AGREEMENT**

Judge: Hon. Richard Seeborg

Location: Courtroom 3 – 17th Floor

STIPULATED TOLLING AGREEMENT

Pursuant to Civil Local Rule 7-12, Plaintiffs Anibal Rodriguez, Sal Cataldo, Julian Santiago, and Susan Lynn Harvey (“Plaintiffs”) and Defendant Google LLC (“Google”) (collectively, the “Parties”), by and through their counsel of record, stipulate to the following tolling agreement (the “Tolling Agreement”):

WHEREAS, on July 14, 2020, Plaintiffs filed a class action complaint in the United States District Court for the Northern District of California, which included without limitation claims for invasion of privacy and intrusion upon seclusion;

WHEREAS, on May 21, 2021, the Court denied Google’s motion to dismiss Plaintiffs’ claims for invasion of privacy and intrusion upon seclusion;

WHEREAS, on January 3, 2024, the Court entered an order granting Plaintiffs’ motion for class certification, including the claims for invasion of privacy and intrusion upon seclusion nationwide and without excluding any Google “Dasher” or “Unicorn” accounts;

WHEREAS, Google offers different Google Account types, including standard consumer accounts (such as when an individual signs up for Gmail), “Dasher” accounts (enterprise accounts created by businesses or organizations for their employees or other members, with an administrator for the Google Accounts), and “Unicorn” accounts (supervised accounts created for children 13 years or younger that can be set up by parents);

WHEREAS, on April 5, 2024, the Court entered an order regarding class certification holding that the Dasher and Unicorn accounts should remain within the classes for purposes of seeking Rule 23(b)(2) injunctive relief (for all claims) and also Rule 23(b)(3) monetary relief for the CDAFA claim, but excluding Dasher and Unicorn accounts from the Rule 23(b)(3) classes asserting claims for the invasion of privacy and intrusion upon seclusion;

WHEREAS, on April 5, 2024, the Court ordered submission of either a stipulated tolling agreement or a proposed tolling order to which Google may respond; and

WHEREAS, the Parties met and conferred and reached the tolling agreement below.

NOW, THEREFORE, the Parties, by and through their counsel of record, hereby stipulate,

subject to the approval of the Court, to the following:

1. Limited to the scope of the factual allegations made in this action as reflected in the Fourth Amended Complaint, and for all claims for any monetary relief based on any alleged invasion of privacy and/or intrusion upon seclusion in connection with any Dasher or Unicorn account (the “Tolled Claims”), any and all statutes of limitation, statutes of repose, or any other limitations periods, whether based upon applicable laws or equitable concepts of timeliness, laches, or waiver, shall remain tolled, suspended, and stayed from the April 5, 2024 date of the Court’s order modifying the class definitions (the “Effective Date”) through and until sixty (60) days after entry of final judgment (following all related appeals) in this action (the “Tolling Period”).

2. The time elapsed during the Tolling Period shall not be asserted or relied upon in any way in computing the running of the statutes of limitation, statutes of repose, or any other limitations periods with respect to any of the Tolled Claims, or in determining any legal or equitable defenses premised on the passage of time that Google may assert with respect to the Tolled Claims; provided, however, that nothing in this Tolling Agreement shall operate to revive or extend the time for filing such claims that already was barred by the passage of time, or to revive any right to damages or other relief that was already precluded or limited in whole or in part by the passage of time, as of the Effective Date, or to limit any tolling that might otherwise apply or exist.

3. This Tolling Agreement shall be governed by and interpreted in accordance with the laws of the State of California.

4. The running of all statutes of limitation, statutes of repose, or any other limitations periods with respect to the Tolled Claims, or in determining any legal or equitable defenses premised on the passage of time that Google may assert with respect to the Tolled Claims, shall recommence upon the expiration of the Tolling Period.

IT IS SO STIPULATED.

Date: April 19, 2024

By: /s/ Mark C. Mao

*I, Mark C. Mao, attest that all signatories listed, and on whose behalf this filing is submitted, concur in the filing’s content and have authorized this filing.

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Attorneys for Plaintiffs

Date: April 19, 2024

By: /s/ Benedict Y. Hur

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**[PROPOSED] ORDER REGARDING
TOLLING AGREEMENT**

Judge: Hon. Richard Seeborg

Location: Courtroom 3 – 17th Floor

Pursuant to stipulation of the Parties, the Court hereby **APPROVES** the proposed tolling
agreement.

IT IS SO ORDERED.

DATED: April 19, 2024



Honorable Richard Seeborg
Chief United States District Judge